

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA

v.

MARTIN GUTIERREZ

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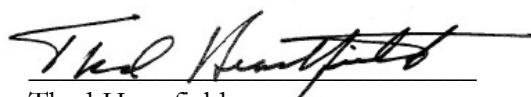
CRIMINAL CASE NO. 1:17-CR-34

**ORDER ADOPTING REPORT AND RECOMMENDATION
ON DEFENDANT'S COMPETENCY TO STAND TRIAL**

The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration. Judge Giblin conducted a hearing to determine defendant's competency. After considering the psychological examiner's findings, Judge Giblin filed his report and recommendation on defendant's competency to proceed. Judge Giblin concluded that the defendant is competent pursuant to 18 U.S.C. § 4241.

The parties did not object to the magistrate judge's findings and recommendation. The Court **ORDERS** that the report and recommendation on the defendant's competency to stand trial [Clerk's Doc. No. 34] is **ADOPTED**. The Court further **ORDERS** and **FINDS** that, in accordance with the magistrate judge's recommendation and the examiner's report, defendant, Martin Gutierrez, is competent to proceed pursuant to Title 18, United States Code, Section 4241. The Court finally **ORDERS** that Speedy Trial time is **EXCLUDED** from May 2, 2017, the date of Judge Giblin's initial order directing a mental examination [Clerk's Doc. No. 12], through the date of this order.

SIGNED this the 15 day of **May, 2019**.


Thad Heartfield
United States District Judge